IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.6132 OF 2004

Jitendra Manohar Padalkar .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

Mr.N.V.Bandiwadekar for the petitioner

Mr.R.D.Rane, Addl.G.P. for respondent no.1 and 2

Mr.A.A.Garge for respondent no.3 and 4

CORAM: A.P.SHAH &
S.U.KAMDAR, JJ

DATED: 15TH SEPTEMBER, 2004

P.C.:

1. Heard advocates.

2. Rule. By consent, rule made returnable forthwith. Respondents waive service.

3. The petitioner who belongs to O.B.C. category, is working as Shikshan Sevak in Respondent No.4 School since 1-6-2000. However, the respondent no.2 Education Officer has not granted approval to his appointment on the ground that there is backlog

of reservation of S.T.category in the School. Therefore no amount is paid to the petitioner towards monthly honorarium as payable to Shikshan Sevaks, from the said date of appointment.

4. Therefore, considering the length of service rendered by the petitioner, we direct the respondent no.2 to grant approval to the appointment of petitioner from the date of his appointment. The services of the petitioner in respondent no.4 school shall be continued in the post of Shikshan Sevak only till the duly selected candidate from S.T. category becomes available. Till then the petitioner shall be granted approval and paid the monthly honorarium payable to Shikshan Sevak as per rules. The respondent no.2 shall also release the grant in favour of respondent no.4 School for payment of honorarium to petitioner from 1-6-2000. The said amount shall be released by respondent no.2 within six weeks from today.

5. The respondent no.3 management shall take all steps to fill up the said reserved vacancy by appointing qualified S.T. candidate. For this

purpose the management shall immediately publish advertisement in local newspapers with wide circulation i.e. Daily Kesari & Daily Pudhari. It shall also sent requisitions to the District Social Welfare Officer, the Tribal Development Officer and the Employment Exchange office to recommend the names of qualified candidates from S.T.category for appointment as Shikshan Sevak. The management shall appoint the qualified candidate from amongst the names recommended by above-mentioned authorities/offices and from the applicants as per advertisements.

6. Writ petition accordingly stands disposed of with no orders as to costs.